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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,233	08/24/2001	Ray Frankulin	019411-001410US	3401

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EXAMINER

WHITE, CARMEN D

ART UNIT PAPER NUMBER

3714

DATE MAILED: 12/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/939,233

Applicant(s)

FRANKULIN ET AL.

Examiner

Carmen D. White

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other:

DETAILED ACTION

Drawings

This application has been filed with informal drawings (see Fig. 2) which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over ***Scagnelli*** et al (5,921,865).

Regarding claims 1 and 10, Scagnelli teaches a location verifier system that performs the step of receiving a telephone call from the user requesting access to a sports book; receiving a verification number from the user; verifying the verification number and permitting the player to place a wager (abstract; Fig. 1; col. 2, lines 35-45; col. 4, lines 1-17; col. 6, lines 1-21 and lines 58-67; col. 7, lines 7-36). While Scagnelli teaches verification before allowing the player to place a wager, Scagnelli is silent regarding the explicit features of forwarding a verification number to the user and verifying that the number received from the user is the number forwarded. However, the examiner takes official notice that this is well known in handshaking verification systems that are used in many cryptographic applications. This type of system provides

increased authentication. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to include this type of handshake verification in Scagnelli to further increase the security of the system so that unauthorized users, such as underage children are not able to place wagers.

Claims 2-9 and 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scagnelli et al (5,921,865) in view of Wicks (6,011,485).

Regarding claims 2-4, 6-9, 11-13 and 15-16, Scagnelli teaches all the limitations of the claims as discussed above. Scagnelli lacks disclosing the use of a pager system for the wagering. In an analogous remote wagering system, Wicks teaches the use of pagers to place wagers (abstract; Fig. 1; Fig. 2). It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the pager devices of Wicks in Scagnelli to make it easier for users to participate from remote areas, via a wireless system. This would make the system more convenient for users that use cellular phones and who are not readily accessible to a telephone.

Regarding claim 5, Scagnelli and Wicks teach all the limitations of the claims as discussed above. The references are silent on the control system being a casino. However, the examiner takes official notice that it is well known to have remote wagering systems where the casino is the host/control center. It would have been obvious to a person of ordinary skill in the art to incorporate this feature in Scagnelli and Wicks to allow players easy, remote access to wagering games at casinos in cities where the player is not located.

Regarding claim 14, Scagnelli and Wicks teach all the limitations of the claims as discussed above. The references are silent regarding the use of a computer modem. However the examiner takes official notice that it is well known in the art to utilize modems for network communication. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to allow the players in Scagnelli and Wicks to wager via a modem so that Internet gambling centers could also be accessed. This would increase the number of options accessible to the player for wagering; thereby, increasing the money received by the gaming authority.

Regarding claim 17, Scagnelli and Wicks teach all the limitations of the claims as discussed above. The references are silent regarding the feature of a random number for verification. However, it would have been obvious to a person of ordinary skill in the art to use a random number for verification in order to increase security in the gaming system; whereby, an unauthorized user is unable to access another users financial and wagering information.

USPTO Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carmen D. White whose telephone number is 703-308-5275. The examiner can normally be reached on Monday through Friday, 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers


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for the organization where this application or proceeding is assigned are 703-308-7768 for regular communications and 703-305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1078.


C. White
Patent Examiner